

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: Kasey Jay Kirk

Debtor(s)

MIDFIRST BANK

Movant

v.

Kasey Jay Kirk

Debtor(s)

and

Jack N. Zaharopoulos

Trustee

BK. NO. 23-00436 HWV

CHAPTER 13

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Date: May 30, 2023

/s/ Brian C. Nicholas, Esq.

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: Kasey Jay Kirk

Debtor(s)

CHAPTER 13

MIDFIRST BANK

Movant

vs.

NO. 23-00436 HWV

Kasey Jay Kirk

Debtor(s)

Jack N. Zaharopoulos

Trustee

11 U.S.C. Section 362

**MOTION OF MIDFIRST BANK
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is MIDFIRST BANK.
2. Debtor(s) is/are the owner(s) of the premises 524 Grandview Avenue, Camp Hill, PA 17011, hereinafter referred to as the mortgaged premises.
3. Jack N. Zaharopoulos, is the Trustee appointed by the Court.
4. Movant is the holder of a mortgage, original principal amount of \$201,188.00 on the mortgaged premises that was executed on November 29, 2016. The mortgage has been assigned as follows: FROM Nationstar Mortgage LLC D/B/A Mr. Cooper TO MidFirst Bank, by assignment of mortgage dated November 13, 2019, recorded in Cumberland County PA on November 14, 2019, as instrument number 201927588.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Debtor(s) has/have failed to make the monthly post-petition mortgage payments in the amount of \$1,522.98 for the months of March 2023 through May 2023.
7. The total amount necessary to reinstate the loan post-petition is \$4,568.94.
8. Movant is entitled to relief from the automatic stay for cause pursuant to 11 U.S.C. § 362(d).

9. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgaged premises.

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